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**UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF CALIFORNIA**

Case No. 5:20-cv-00354-VKD

PETER STROJNIK,

Plaintiff,

vs.

R.F. WEICHERT V, INC. dba
JABBERWOCK INN,

Defendant.

**NOTICE OF MOTION AND MOTION
TO REQUIRE PLAINTIFF TO POST A
COSTS BOND AND REQUEST FOR A
STAY PENDING RULING**

Date: March 30, 2021
Time: 10 a.m.
Courtroom: 2, 5th Fl.

Hon. Virginia K. DeMarchi

TO PLAINTIFF AND HIS ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE THAT on March 30, 2021, or as soon thereafter as the matter may be heard in Courtroom 2 of the above-entitled court, R.F. WEICHERT V, INC. (“Defendant”) will and hereby does move the Court for an Order requiring Plaintiff to post a bond for costs and attorney’s fees as an out-of-state plaintiff and to stay this case pending a ruling on this Motion for A Costs Bond.

This motion is brought on the grounds that Peter Strojnik (“Plaintiff”) is an out of state plaintiff and there is a reasonable possibility that the moving defendant will obtain judgment in the action or special proceeding. *Simulnet E. Assocs. v. Ramada Hotel Operating Co.*, 37 F.3d 573, 574 (9th Cir. 1994) citing California Code Civ. P. § 1030. Furthermore, Strojnik has yet to file any bonds as ordered by the courts and Defendant should not have to respond to yet another bad faith complaint until such time as this Court determines whether he must post a bond in this case.

This motion is based on this Notice of Motion and Motion, the Memorandum of Points and Authorities filed herewith, the Declaration of Philip H. Stillman and exhibits thereto, the pleadings and papers on file herein, and upon such other matters as may be presented to the Court at the time of the hearing, if any.

WHEREFORE, defendant KAMLA HOTELS, INC. respectfully requests that this Court require plaintiff to post a bond sufficient to cover Defendant’s costs and attorney’s fees in the amount of \$75,000 and to stay this case pending a ruling on this Motion.

Respectfully Submitted,

STILLMAN & ASSOCIATES



Dated: February 22, 2021

By: Philip H. Stillman, Esq.
Attorneys for defendant R.F. WEICHERT V, INC.

PROOF OF SERVICE

I, the undersigned, certify under penalty of perjury that on February 23, 2021 or as soon as possible thereafter, copies of the foregoing Motion For a Costs Bond, Memorandum of Points and Authorities, the Declaration of Philip Stillman and Proposed Order was served electronically by the Court's ECF notice to all persons/entities requesting special notice or otherwise entitled to the same and via email to Plaintiff's email address listed with this Court.

By: /s/ Philip H. Stillman
Attorneys for R.F. WEICHERT V, INC.